## IN THE UNITED STATES DISTRICT COURT
## FOR THE DISTRICT OF NEW MEXICO

DONALD GUARRIELLO, et al.,

      Plaintiffs,

v.                                  No. CV 19-1184 WJ/CG

YASHNA ASNANI, et al.,

      Defendants.

## ORDER DENYING MOTION TO WITHDRAW

**THIS MATTER** comes before the Court on Defendants' counsel's *Motion to Withdraw as Counsel* (the "Motion"), (Doc. 70), filed February 9, 2021. In the Motion, Defendants' counsel requests that the Court permit them to withdraw as counsel for Defendants Yashna Asnani; Classic Cafe Cuisine, LLC; Barreras Enterprises, Inc.; and New Mexico's Best Diner, LLC (the "Defendants"). *See* (Doc. 70). Counsel explains that "continued representation of Defendants under the circumstances has been rendered impossible." (Doc. 70 at 1). Defendants' counsel further states that Plaintiffs' counsel opposes the Motion, and Defendants have "been asked for concurrence on the [M]otion . . . twice, but have failed to respond." *Id.*

Pursuant to the Local Rules of Civil Procedure for the District of New Mexico, a motion to withdraw from representation of a corporation must "include a notice that the corporation . . . can appear only with an attorney." D.N.M.LR-Civ. 83.8(c). Three of the four Defendants in question are corporations, and thus counsel was required to comply with D.N.M.LR-Civ. 83.8(c). Additionally, a contested motion to withdraw must give notice that objections must be served and filed within fourteen days from the date the

motion is served, and that failure to object within this time constitutes consent to grant the motion. D.N.M.LR-Civ. 83.8(b). The motion must also be served on the client. *Id.*

The Motion does not include the requisite notices or proof that the counsel has served the Motion on Defendants in accordance with D.N.M.LR-Civ. 83.8. Therefore, the Motion is defective, and the Court will deny it without prejudice to renew.

**IT IS THEREFORE ORDERED** that the *Motion to Withdraw as Counsel*, (Doc. 70), is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED**.

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THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE